

REMARKS

Claims 1 and 18-48 are now pending in the application. No claim amendments are being made in this response. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. §102

Claims 1 and 18-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,656,225 (Martin). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 as currently pending includes a surgical device having a “second formation comprising a resilient arm... the second portion being at least partially bifurcated, the resilient arm forming a fork of the bifurcated part of the second portion”. Applicants submit that Martin fails to disclose such a surgical device. Applicants have reproduced Fig. 9 of Martin immediately below for reference.

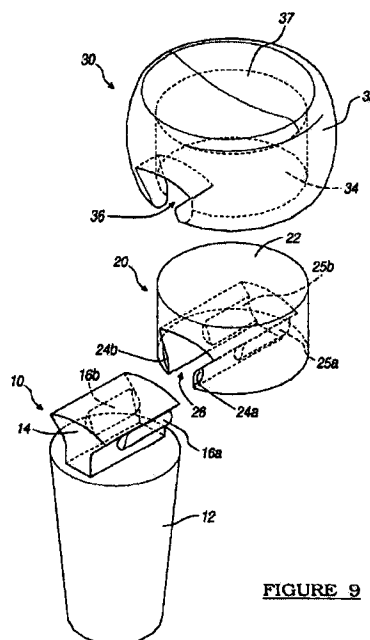


FIGURE 9

Martin discloses a stem component 10 having an anchoring portion 12 that includes a mounting portion 14. The mounting portion 14 is configured in a dovetail-type shape for being slidably received into a groove 26 formed on a body 22 of an inner core 20. As set forth in column 5, lines 12-18, the mounting portion 14 is "constructed of a rigid material such as metal, alloy, or ceramic. If the rigid material is metal or alloy, appropriate materials can include, for example, titanium, stainless steel, and cobalt chrome". Applicants submit therefore that the mounting portion 14 of Martin cannot be resilient as required by claim 1 of the instant application. Applicants have also reproduced an exemplary definition of the term "resilient" as "returning to the original form or position after being bent, compressed or stretched." Random House Dictionary, 2009. Applicants submit that for at least these reasons, claim 1 and dependent claims therefrom are in condition of allowance.

Additionally, with respect to claim 1, Applicants note that in the most recent Office Action, on page 3 the Examiner has identified the mounting portion 14 as being the "resilient arm" and the protuberances 24a, 24b on the inner core 20 as the "at least partially bifurcated". In this way, the Examiner has required that feature 14 and feature 24a are part of the same component. However, the mounting portion 14 and the protuberance 24a are clearly on separately formed components. Therefore, the requirement set forth in claim 1 that the "second formation comprising a resilient arm which is integrally formed with the second portion... the second portion being at least partially bifurcated" cannot be satisfied by the Martin reference. Therefore, Applicants submit that claim 1 provides additional novel features over Martin. For at least these reasons, Applicant respectfully request reconsideration and withdrawal of this rejection as it pertains to claim 1 and dependent claims therefrom.

With respect to claim 18, Applicants note that claim 18 requires “the second formation includes a resilient arm selectively movable between an engaged position... and a disengaged position”. As identified above, the mounting portion 14 of Martin is not resilient. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection as it pertains to claim 18 and dependent claims therefrom.

While Applicants note that claim 24 is ultimately dependent upon claim 18 discussed above, Applicants submit that claim 24 requires that “the second portion is at least partially bifurcated”. Further to the discussion above, the elements identified by the Examiner in Martin as satisfying the “resilient arm” and the “bifurcation” (the mounting portion 14 and the protuberance 24a) are on separate components. Therefore, Martin cannot satisfy dependent claim 24 of the instant application that requires that the second portion also be bifurcated.

Applicants again note that no claim amendments are being filed herewith. Applicants respectfully submit that if the pending claims are not in condition for allowance that any subsequent Office Action be Non-Final consistent with §706.07(a) set forth in the MPEP.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

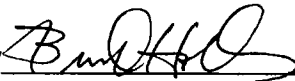
Application No. 10/559,151
Amendment dated
Reply to Office Action of April 27, 2009

Docket No.: 5490UK-000002/US/NP

believes that personal communication will expedite prosecution of this application, the
Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: 24/AUG/09

Respectfully submitted,

By 

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